

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No.: 5:23-cv-00349-D-RN**

RONALD JOHNSON,)	
)	
Plaintiff,)	
)	MOTION TO DISMISS
v.)	
)	
TOWN OF SMITHFIELD, et al.)	
)	
Defendants.)	

NOW COME Defendants Susan Doyle, District Attorney for the Thirteenth Prosecutorial District, in her individual and official capacity, and District Attorney Investigator Richard Hoffman, in his individual and official capacity, by and through their undersigned counsel, for the purpose of moving to dismiss Plaintiff's Amended Complaint pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure as set forth in the memorandum of law filed contemporaneously herewith.

Respectfully submitted this the 28th day of August, 2023.

JOSHUA H. STEIN
Attorney General

/s/Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Telephone: (919) 716-6800
Fax: (919) 716-6755
eobrien@ncdoj.gov
State Bar No. 28885
*Counsel for Defendants Doyle &
Hoffman*

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing **MOTION TO DISMISS** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system addressed to the following individuals:

This the 28th day of August, 2023.

/s/ Elizabeth Curran O'Brien
Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice